

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6463

BILL NUMBER: SB 99

NOTE PREPARED: Nov 26, 2003

BILL AMENDED:

SUBJECT: Immunity for Hunting and Fishing Accidents.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that the owner or possessor of a premises is immune from civil liability for an act or omission causing injury to a person hunting, fishing, or trapping on the premises (except when the owner or possessor is grossly negligent or commits willful or wanton misconduct). It provides that this immunity applies instead of the attractive nuisance doctrine.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, a landowner is not responsible or liable for an injury to a person or property caused by an act or failure to act of another person. To the extent that the bill would immunize both landowners and possessors from civil liability and include acts or omissions beyond those committed by a third party, the number of civil penalty trials could decrease. When court fees are collected for civil actions, the revenues are deposited in the state General Fund. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: Local governments receive revenue from several sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would

be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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